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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,530

01/14/2005

Uwe Hendrich

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EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

09/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,530

Applicant(s)

HENDRICH ET AL.

Examiner

Melody M. Burch

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-28, 30-35, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) 29 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/07 has been entered.

Specification

2. The abstract of the disclosure is objected to because the word "attachment" at the end of the abstract should be removed. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4607728 to Kobayashi.

Re: claim 21-27. Kobayashi shows in figure 3 a brake holder 1 of a floating-caliper disc brake comprising axially extending holder arms 1a and an opening between the holder arms, the brake holder additionally comprising a brake pad 7a radially

Art Unit: 3683

mounted in the opening, the opening between the holder arms having a minimum tangential width shown in the area of the end of the lead line of number 3 that is greater than the maximum tangential width of the brake pad with the holder arms being free of any tangential obstructions radially confining any portion of the brake pad, the brake holder additionally comprising at least one brake pad guide spring 6 arranged on one of the holder arms between the brake holder and the brake pad, the brake pad guide spring being locked at the brake holder in both radial and axial directions by at least one fixing clamp 11d and 12, respectively, the guide spring comprising a cantilevered spring arm 13,15 that terminates tangentially inwardly over the brake pad and bears radially inwardly and tangentially inwardly against the brake pad under a spring bias.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of US Patent 5125482 to Negishi.

Kobayashi lacks the limitation of the spring arm abutting on an inclined abutment surface.

Negishi teaches in figure 2 the limitation of a spring arm 41 abutting on an inclined abutment surface shown below 42 of a brake pad 18.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the abutment surface of the brake pad of Kobayashi to have been inclined, as taught by Negishi, in order to provide a means limiting the tangential movement of the spring arm toward the center of the brake disk to provide a stronger biasing force.

7. Claim 30-34, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of JP-57204335 (JP'335).

Kobayashi shows in figure 3 a brake holder 1 of a floating caliper disc brake with an axially extending holder arm 1a at which an associated brake pad 7a is arranged on a side of a brake disc and mountable radially in the brake holder, comprising at least one brake pad guide spring 6 arranged on the holder arm between the brake holder and the brake pad, wherein the brake pad guide spring is locked at the brake holder in both radial and axial directions by means of at least one fixing clamp 12 and 11d, the brake pad guide spring comprising a cantilevered spring arm having a first section shown in the area of the end of the lead line of number 3 that extends along the contour of the holder arm, and a second section 13,15 that bends tangentially inwardly relative to the first section to form an inverted spring arm with the first section, the second section terminating tangentially inwardly from the holder arm and being deflectable tangentially outwardly against the spring bias toward the holder arm to facilitate mounting of the brake pad onto the brake holder in a generally radial direction.

Kobayashi is silent with respect to the inverted spring arm shape specifically being V-shaped.

JP'335 teaches in figure 2 in the area of the lead arrow of number 15 the use of an inverted spring arm being V-shaped.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the shape of the inverted spring arm to have been V-shaped, as taught by JP'335, in order to provide a means of achieving a certain level of bias against the brake pad surface.

8. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of JP'335, as applied to claim 30, and further in view of US Patent 5125482 to Negishi.

Kobayashi, as modified, lacks the limitation of the spring arm abutting on an inclined abutment surface.

Negishi teaches in figure 2 the limitation of a spring arm 41 abutting on an inclined abutment surface shown below 42 of a brake pad 18.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the abutment surface of the brake pad of Kobayashi, as modified, to have been inclined, as taught by Negishi, in order to provide a means limiting the tangential movement of the spring arm toward the center of the brake disk to provide a stronger biasing force and a force that is less subject to substantial change due to substantial displacement of the spring arm end.

Allowable Subject Matter

9. Claims 29 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb

September 12, 2007

Melody M. Burch
Melody M. Burch
Primary Examiner
Art Unit 3683
9/12/07